Office-Supreme Court, U.S.
FILED
MAY 13 1983
ALEXANDER L. STEVAS,
CLERK

CASE NO. 82-1730

IN THE
SUPREME COURT OF THE UNITED STATES

PRESENT TERM 1983

GERALD LEN VOGEL,

Petitioner

vs.

STATE OF ALABAMA,

Respondent

ON WRIT OF CERTIORARI TO
THE SUPREME COURT OF ALABAMA

APPENDIX VOLUME II

FRANK W. RIGGS
ATTORNEY AT LAW
P. O. BOX 1047
MONTGOMERY, ALABAMA 36102
205/834-6990
COUNSEL FOR PETITIONER

INDEX TO APPENDIX
VOLUME II

	Document	Page
1.	Certificate of Attorney	1
2.	Order of Supreme Court of Alabama, Ex Parte State of Alabama, made July 23, 1982, but issued March 2, 1983.	3
3.	Order of Supreme Court of Alabama, Ex Parte Vogel, made July 23, 1982, but issued March 2, 1983.	5
4.	Order of Supreme Court of Alabama, dated February 11, 1983, untitled "On Application For Second Rehearing."	7

CERTIFICATE OF COUNSEL

I, Frank W. Riggs, a member of the bar of the Supreme Court of the United States, hereby certify that, although the Supreme Court of Alabama has issued certain orders in this case dated July 23, 1982, there orders were never released by said Court and furnished to counsel for the parties, and counsel for the parties had no notice of any such orders, until on or after Februrary 11, 1983, when said Court issued an order entitled "On Application For Second Rehearing." That said orders were not published at the time of their entry is evidenced by the fact that the certificate of the clerk of the Supreme Court on said orders is dated March 2, 1983.

Done this 11 day of May, 1983.

Frank W. Riggs

FRANK W. RIGGS
Attorney for Petitioner

Sworn to and subscribed
before me this 11 day of
May, 1983.

Joan L Dick

NOTARY PUBLIC

July 23, 1982

THE STATE OF ALABAMA-JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

SPECIAL TERM 1982

80-168
Ex Parte: State of Alabama, Ex Rel. Attorney General
PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS
(Re: Gerald Len Vogel and Robert Louis Vogel vs. State of Alabama)

WHEREAS, on April 29, 1981, a Writ of Certiorari to the Court of Criminal Appeals was granted by this Court, and the cause was set down for submission pursant to Rule 39, Alabama Rules of Appellate Procedure.

WHEREUPON, come the parties and the Petition for Writ of Certiorari being submitted on briefs and duly examined and understood by the Court, it is considered by the Court that the writ heretofore issued should be quashed and

the petition should be denied.

IT IS, THEREFORE, CONSIDERED AND ORDERED that the Writ of Certiorari heretofore issued to the Court of Criminal Appeals be, and the same is hereby, quashed, and the Petition for Writ of Certiorari be, and the same is hereby, denied. NO COSTS TAXED.

OPINION BY ADAMS, J.
TORBERT, C.J., MADDOX, ALMON, SHORES AND BEATTY, JJ., CONCUR.
FAULKNER, JONES AND EMBRY, JJ., CONCUR SPECIALLY.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.
Witness my hand this 2nd day of March, 1983.

/S Dorothy F. Norwood
Acting Clerk, Supreme Court of Alabama.

JULY 23, 1982

THE STATE OF ALABAMA-JUDICIAL DEPARTMENT

IN THE SUPREME COURT OF ALABAMA

SPECIAL TERM 1982

80-175

Ex Parte: Robert Louis Vogel and Gerald Len Vogel
PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS
(Re: Gerald Len Vogel and Robert Louis Vogel vs. State of Alabama)

IT IS ORDERED that the application for rehearing filed in the above cause be, and the same is hereby, granted.

IT IS FURTHER ORDERED that the judgment of this Court entered on September 18, 1981 be, and the same is hereby, vacated and the opinion withdrawn and the opinion delivered today substituted therefor.

IT IS FURTHER ORDERED that the

judgment of the Court of Criminal Appeals entered on October 28, 1980 be, and the same is hereby, affirmed, on the issue of search and seizure, at the costs of the petitioners, Robert Louis Vogel and Gerald Len Vogel, for which costs let execution issue.

OPINION BY ADAMS, J.
TORBERT, C.J., MADDOX, ALMON, SHORES AND BEATTY, JJ., CONCUR.
FAULKNER, JONES AND EMBRY, JJ., CONCUR SPECIALLY.

I, Dorothy F. Norwood, as Acting Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appears of record in said Court.
Witness my hand this 2nd day of March, 1983.

/S Dorothy F. Norwood
Acting Clerk, Supreme Court of Alabama.

FEB 11 1983

80-168 - Ex parte: State (Re: Vogel v. State)

80-175 - Exparte: Vogel (Re: Vogel v. State)

ON APPLICATION FOR SECOND REHEARING

The opinion of this Court of July 23, 1982, is extended for the purpose of clarification. This Court granted two petitions for certiorari, one filed by the defendants and one filed by the State. The opinion of this Court of July 23, 1982, is directed to the petition of the defendants, and on review by the court's determination of the search and seizure issue. The State's petition for certiorari was granted so that this Court could consider the question whether the simultaneous possession of

several types of drugs, where the facts of possession occurs at the same time and in the same place, constitutes multiple possession offenses; that writ of certiorari was quashed on July 23, 1982, as improvidently granted.

OPINION EXTENDED: APPLICATIONS FOR REHEARING OVERRULED.

All the justices concur.